a header including information ~~indicative of the number of partially filled~~ ATM cells contributing the information within the payload.

22. (New) The ATM cell of claim 21 wherein the information indicative of the number of partially filled ATM cells comprises a VCI.

23. (New) The ATM cell of claim 21 wherein the information indicative of the number of partially filled ATM cells comprises information indicative of a merging method used to construct the ATM cell.

REMARKS

Reconsideration of this application, as amended, is respectfully requested. The present claims are patentable over Tanaka, U.S. Patent No. 5,513,178 ("Tanaka") and Kagemoto, U.S. Patent No. 5,623,493 ("Kagemoto"), whether considered separately or in combination.

For example, Tanaka discloses a cell multiplexing scheme in which information fields (i.e., payloads) of a number of ATM cells are multiplexed together and stored into an information field of a single multiplexed cell. A representative VPI, globally representing the VPIs of the individually multiplexed cells, is assigned as the VPI of the multiplexed cell. See, e.g., Tanaka at col. 5, ll. 61-col. 6, ll. 41. The representative VPI designates the path between ATM nodes within the network. Tanaka at col. 8, ll. 19-22. In one case, the representative VPI indicates the VPIs of the cells which make up the multiplexed cell payload. Tanaka at col. 7, ll. 60-67.

In contrast, the present claims recite an ATM cell having a header that includes information indicative of the number of partially filled ATM cells contained therein. Although the representative VPI disclosed by Tanaka

indicates the individual VPIs of the cells which make up the multiplexed cell payload, there is no teaching or suggestion that this corresponds to information indicative of the number of such cells. For example, in Tanaka's scheme if two cells which make up the payload of the multiplexed cell share a common VPI (e.g., as may be the case where the cells are produced by the same ATM end station) there will be no indication from the representative VPI of the multiplexed cell that two cells are included within the multiplexed cell's payload. As specified in the present claims, however, the header of the so-called merged cell includes information indicative of the number of partially filled cells contained therein. Because Tanaka fails to teach or suggest such a merged ATM cell, the present claims are patentable thereover.

Likewise, Kagemoto fails to disclose an ATM cell which includes a header that includes information indicative of the number of partially filled ATM cells contained therein. This fact is recognized in the Office Action at page 4, paragraph 5. Accordingly, Kagemoto fails to cure the deficiencies of Tanaka and the present claims are patentable thereover whether the references are considered separately or in combination.

The objections to the drawings have been obviated by the cancellation of claims 9-13. Likewise, this rejection obviates the rejections of claims 9-13 under 35 U.S.C. § 102(e) in view of Kagemoto.

New claims 21-23 recite an ATM cell having a payload that includes information from two or more partially filled ATM cells and a header that includes information indicative of the number of partially filled ATM cells contributing the information within the payload. Support for these claims may be found, for example, in Figure 2 and the accompanying description provided at pg. 7, ll. 24-26 and pg. 8, ll. 26-pg. 9, ll. 3 of the specification as filed. No new matter has been added.